

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
)	
Plaintiff,	)	C.A. No. 04-cv-209 SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,	)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

NOTICE OF MOTION

TO: William F. Davis, III
SBI#162762
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

The attached Motion to Compel will be heard at the convenience of the Court.

Heckler & Frabizzio, P.A.

/s/Patrick G. Rock
Patrick G. Rock, *DE Bar #4632*
800 Delaware Avenue, Suite 200
PO BOX 128
Wilmington, DE 19899
Attorney for Defendant First
Correctional Medical

Dated: May 28, 2008
17810 / 396941

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
)	
Plaintiff,	)	C.A. No. 04-CV-209-SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,	)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

MOTION TO COMPEL

TO: William F. Davis, III
SBI#162762
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

NOW COMES Defendant First Correctional Medical, and moves this Court for an Order compelling Plaintiff to produce verified, complete answers to Interrogatories and responses to Request for Production of Documents. In support of this motion, Defendant offers the following:

1. On or about March 31, 2008 (D.I. 90) the Court issued a Scheduling Order directing discovery to be completed by July 31, 2008.
2. The Order has directed dispositive motions to be filed by September 1, 2008.
3. On April 3, 2008 Defendant propounded Interrogatories and Request for Production of Documents upon the Plaintiff (D.I. 91 and D.I. 92, respectively).

4. The Defendant's intention is to use the answers to discovery to assist in providing the supporting documentation for its Motion for Summary Judgment that it expects to file by September 1, 2008.

5. As a further attempt to present the basis for the Defendant's Motion for Summary Judgment in a clear and concise format, Defendant's counsel is contemporaneously filing Requests for Admissions to enable it to present the factual predicate of why the Plaintiff cannot recover in this action.

6. Without the discovery responses, we will have to sort through the Complaint and various amendments to address the issues in the Complaint which will be burdensome and incongruous.

WHEREFORE, Defendant requests an Order compelling the Plaintiff to provide complete and verified answers to Interrogatories and responses to Request for Production of Documents within 10 days.

HECKLER & FRABIZZIO

/s/Patrick G. Rock, Esquire

PATRICK G. ROCK, ESQUIRE

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Wilmington, Delaware 19899

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Attorney for Defendant First
Correctional Medical

Dated: May 28, 2008

17810 / 396933

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
)	
Plaintiff,	)	C.A. No. 04-CV-209 SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,	)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

ORDER

WHEREAS, having read the Defendant's Motion to Compel and any responses thereto, IT IS ORDERED that Plaintiff shall provide complete and verified answers to Interrogatories and responses to Request for Production of Documents within 10 days.

Judge

Dated:

396938 / 17810

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM DAVIS, III)	
)	
Plaintiff,	)	C.A. No. 04-CV-209 SLR
)	
v.)	
)	
FIRST CORRECTIONAL MEDICAL,	)	TRIAL BY JURY OF
INC., et al.,	)	TWELVE DEMANDED
)	
Defendants.)	

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on May 29, 2008, I caused a copy of the foregoing Motion to Compel to be served via first Class US Mail, postage prepaid upon the following:

William F. Davis, III
SBI#162762
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Heckler & Frabizzio, P.A.

/s/Patrick G. Rock
Patrick G. Rock, *DE Bar #4632*
800 Delaware Avenue, Suite 200
PO BOX 128
Wilmington, DE 19899
Attorney for Defendant First
Correctional Medical

Dated: May 29, 2008
17810 / 396921